

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

KIMBERLY-CLARK CORPORATION,

Plaintiff,

v.

MCKESSON MEDICAL-SURGICAL INC.,
VICTOR BAKKAR, CLARE MEDICAL, INC.,
and HERBERT A. TOMS III,

Defendants.

Civil Action No. 3:18-cv-02

NOTICE

Plaintiff Kimberly-Clark Corporation (“K-C”), by and through its undersigned attorneys, hereby notifies the Court of the following:

1. On April 5, 2018, K-C filed a Consent Motion requesting additional time to respond to Defendants’ motions to dismiss and file an amended complaint. (Dkt. #31.) The Court has not yet ruled on K-C’s Consent Motion, meaning that K-C’s deadline to file a response is today, April 9, 2018. K-C will not file a response to Defendants’ motions to dismiss at this time for the following reasons.

2. With respect to the Motion to Dismiss filed by McKesson Medical-Surgical Inc. and Victor Bakkar (collectively, “McKesson”) (Dkt. #24), K-C has reached a settlement in principle with McKesson and K-C and McKesson anticipate that K-C’s claims against McKesson will be dismissed shortly, which will moot McKesson’s Motion to Dismiss.

3. With respect to the Motion to Dismiss filed by Clare Medical, Inc., and Herbert A. Toms III (collectively, “Clare”) (Dkt. #25), K-C has had initial settlement discussions with Clare and, if those discussions prove unsuccessful and K-C’s Consent Motion is not granted with

respect to the request for an extension of time to file an amended complaint, K-C intends to file an amended complaint on April 16, 2018, which will moot Clare's Motion to Dismiss.

4. Given this procedural posture, K-C respectfully submits that it should not be required to file a brief at this time and, in not doing so, does not waive its opposition to Defendants' motions to dismiss.

5. K-C maintains the request in its Consent Motion for an extension of the deadlines to file response briefs and an amended complaint.

6. In the event that the Court determines that K-C should file a response to McKesson's and/or Clare's motions to dismiss and that K-C should not be granted an extension of time to file its response briefs, K-C respectfully requests that such briefs be accepted *instantly*, as soon as would be practicable following notice from the Court.

DATED: April 9, 2018.

/s/ Jeffrey S. Rosenberg

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CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of April, 2018, I electronically transmitted the enclosed Notice to the Clerk of Court using the CM/ECF system for filing and transmittal of a Notice of Electronic Filing to the following ECF Registrants:

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